

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RAYMOND ENGLE,	:	
Petitioner,	:	Case No. 3:09-cv-451
v.	:	JUDGE WALTER H. RICE
TERRY J. COLLINS,	:	
Respondent.	:	

DECISION AND ENTRY ADOPTING THE UNITED STATES
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC.
#28), SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC.
#31), AND SECOND SUPPLEMENTAL REPORT AND
RECOMMENDATIONS (DOC. #42) IN THEIR ENTIRETY; OVERRULING
PETITIONER'S OBJECTIONS THERETO (DOCS. ##29, 32, 43);
OVERRULING PETITIONER'S MOTIONS FOR SUMMARY JUDGMENT
(DOCS. ##24, 33, 34, 35, 36); DISMISSING PETITION FOR A WRIT
OF HABEAS CORPUS (DOC. #2) WITH PREJUDICE; DENYING
CERTIFICATE OF APPEALABILITY; OVERRULING ANTICIPATED
MOTION FOR LEAVE TO APPEAL *IN FORMA PAUPERIS*;
TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States
Magistrate Judge Michael R. Merz, in his October 5, 2012, Report and
Recommendations (Doc. #28), his October 15, 2012, Supplemental Report and
Recommendations (Doc. #31), and his Second Supplemental Report and
Recommendations (Doc. #42), as well as upon a thorough *de novo* review of this
Court's file and the applicable law, this Court adopts said judicial filings in their
entirety, and overrules Petitioner's objections thereto (Docs. ##29, 32, 43), along

with Petitioner's motions for summary judgment (Docs. ## 24, 33, 34, 35, 36).


The Petition for a Writ of Habeas Corpus (Doc. #2) is dismissed with prejudice.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability and denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: March 6, 2013



WALTER H. RICE
UNITED STATES DISTRICT JUDGE